

REMARKS

Claims 1-79 are cancelled. New claims 80-98 are added. No new matter has been added.

RESTRICTION

At the onset, Applicant wishes to thank Examiner Fisher for the recent helpful and courteous discussion conducted with Mr. William Beaumont in order to clarify this issue of record

The application has been held to contain claims directed to allegedly patentably distinct species: water-soluble sulfamic acid compounds and oil-soluble sulfamic acid compounds (claim 42). In reply, Applicant elects "water-soluble," sulfamic acid compounds.

Upon allowance of a generic claim, Applicant is entitled to consideration of claims to additional species which depend from, or otherwise require, all the limitations of an allowable generic claim as provided by 37 C.F.R. § 1.141.



TRAVERSAL OF THE ELECTION REQUIREMENTS

Election of a single species for prosecution on the merits is required from among the species of claim 80/87. According to the Examiner, the species are independent or distinct because each has a different chemical structure which imparts different chemical and physical properties.

Further, a search covering "plant growth promoters" would cover most, if not all, of the species claimed. Thus, separate searches for each claimed species would not be necessary.

Election of species is said to be justified by the Examiner between the claim 80 (water-soluble sulfamic acid compounds) and claim 84 (oil-soluble sulfamic acid compounds). According to the Examiner, the water-soluble and oil-soluble species are independent or distinct because "...it is self-evident that they have different physical [sic] due to different chemical properties which impart different physical and chemical properties to the total composition claimed." However, a search covering sulfamic acid compounds would cover both water-soluble and oil-soluble sulfamic acid compounds, indicating a separate search for each is not necessary.

Further, Applicant reminds the Office of MPEP § 803, which requires the Examiner to search all claimed aspects of an invention, unless to do so would entail a "serious burden." The Examiner has not presented evidence as to how a search of all of the species of claim 80 (as well as the "water-soluble sulfamic acids" and "oil-soluble sulfamic acids" claims 84, respectively) would entail the requisite "serious burden." The subject matter of the claims as a whole can easily be searched simply by performing a broader search.

Hence, it is urged as appropriate that all of claims 80-98, including withdrawn claim 84, be searched and examined in their entirety without further delay as the Examiner has

failed to demonstrate a "serious burden" would ensue if election were not required.
Reconsideration and withdrawal of the species election requirement is respectfully requested.

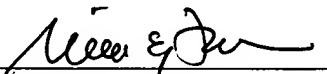
Applicants hereby petition for the Commissioner to charge any additional fees or any underpayment of fees which may be required to maintain the pendency of this case or credit any overpayment to the credit card number listed on a separate page of the transmittal papers. In the event of any failure of the credit card account, the fees may be charged or credited to the Deposit Account No. 14-0112.

Respectfully submitted,

THE NATH LAW GROUP

Date: *November 6, 2008*

By


William E. Beaumont
Reg. No. 30,996

THE NATH LAW GROUP
112 South West Street
Alexandria, VA 22314
(703) 548-6284

WEB/gt